

REMARKS

Claims 1-9, 35, 36 and 38-40 are pending in this case.

Claims 1-5, 35, 36 and 38-40 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,179,866 to Graham et al. ("Graham").

Claims 6-9 were rejected under 35 U.S.C. 103(a) as being unpatentable over Graham in view of U.S. Patent 4,550,549 to Reinfeld et al. ("Reinfeld").

Applicant respectfully asserts that the Graham reference fails to anticipate the claims. With respect to at least claims 1 and 35, the Examiner has asserted that the Graham et al. reference teaches "support mechanisms 43 and 44." Applicant respectfully points out that elements 43 and 44 of that reference are flap folding elements. As such and as explicitly described within the reference, the flap folding elements simply close the bottom flaps of the box after the goods have been inserted.

In contrast, the claimed support mechanism of the present invention is in direct contact with the goods after they are inserted into the box. That is, the goods are moved upwards into an open box. The support member is pivoted or otherwise moved out of the way until the goods pass by. The support member then returns to an initial position, which is now underneath the goods supported on the elevator. As the elevator is removed, the support mechanism directly supports the goods. In this manner, open bottom boxes (a concept not disclosed or taught by Graham) may be utilized. After the goods have been so received, the box may be transferred, for example, to a conveyor where the conveyor then supports the goods. If the presently claimed invention were utilized to pack or load boxes having bottom flaps, a mechanism other than the claimed support mechanism would be utilized to fold or close those flap.

Thus, the Graham reference fails to anticipate claims 1 and 35. The remaining claims depend from either claims 1 or 35 are allowable over the art of record for at least the same reasons. The additionally cited Reinfeld reference does not address the deficiencies noted above, and Applicant respectfully request a Notice of Allowance in the present application. If the Examiner believes that any issues remain unresolved, the Examiner is invited to telephone the undersigned to expedite allowance.

There is no fee associated with this response. However, the Office is also hereby authorized to charge any fee deficiency associate with this communication to Deposit Account 04-1420.

Respectfully submitted,

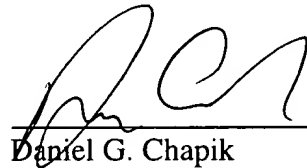
DORSEY & WHITNEY LLP

Customer Number 25763

Date: _____

1/7/03

By: _____



Daniel G. Chapik

Reg. No. 43,424

Suite 1500

50 South Sixth Street

Minneapolis, MN 55402-1498

(612) 343-7955

MARKED-UP VERSION SHOWING CHANGES**IN THE CLAIMS**

Please amend the claims as follows:

1. (Amended) An apparatus for packaging goods in a box, comprising:
 - (a) a box erecting apparatus for erecting a box to receive at least one good;
 - (b) an elevator lift apparatus operatively connected below the box erecting apparatus, the elevator apparatus having a first position and a second position wherein the elevator lifts the at least one good from the first position to the second position; and
 - (c) a support mechanism operably positioned relative to the box erecting apparatus wherein the support mechanism directly contacts and receives the at least one good after the elevator lifts the at least one good to the second position, the support mechanism supporting the at least one good substantially over the top of the elevator lift apparatus as the elevator lift apparatus returns to the its first position to then receive another good to be moved to the second position.

35. (Amended) A method for packaging goods in an open-bottomed container, wherein the open-bottomed container is an open-bottomed cardboard box with four upper flaps, comprising:
 - (a) unfolding the open-bottomed cardboard box;
 - (b) holding the unfolded open-bottomed cardboard box above an elevator lift apparatus;
 - (c) activating the elevator lift apparatus to raise an at least one good into the open-bottomed cardboard box, the elevator lift apparatus moving from a first position to a second position;

(d) retracting the elevator lift apparatus;

(e) supporting the at least one good via direct contact between a support member and the at least one good in a position substantially over the top of the elevator lift apparatus while the elevator lift apparatus returns to the first position to then receive at least another good to be moved to the second position; and

(f) folding the four upper flaps of the open-bottomed cardboard box.